

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Pacific Gas and Electric Company (U 39 E) for a Certificate of Public Convenience and Necessity Authorizing the Construction of the Jefferson-Martin 230 kV Transmission Project.

Application 02-09-043  
(Filed September 30, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING REQUESTS TO INTERVENE AND  
SUSPENDING SCHEDULE FOR SUBMISSION OF TESTIMONY**

**Requests to Intervene**

The City of Burlingame (Burlingame) filed a motion to intervene in this proceeding on October 22, 2003. The City of South San Francisco (South San Francisco) filed a petition to intervene on October 29, 2003. Pacific Gas and Electric Company (PG&E) filed a response to Burlingame's motion on November 3, 2003.

Burlingame states that the Draft Environmental Impact Report (EIR) presents a preferred alternative for the routing of the project which Burlingame does not believe to be in the best interests of the city's residents. Burlingame cites concerns related to electromagnetic field (EMF), land use, and visual impact issues. Burlingame states that it has submitted comments on the Draft EIR voicing its concerns and supporting another alternative and that it intends to file testimony and participate in the evidentiary hearings. PG&E does not object to Burlingame's request to intervene, but states that the purposes for which Burlingame seeks intervention have been addressed through the Commission's

California Environmental Quality Act process. PG&E makes various arguments regarding the proper treatment of EMF issues in this proceeding and attached several EMF studies to its response.

South San Francisco believes that the Draft EIR has not considered adequately the environmental impacts of the Draft EIR's preferred alternative route through South San Francisco's East of 101 area. South San Francisco intends to submit testimony regarding this alternative and "its inferiority to the alignment in PG&E's proposed project."

There is no prejudice to any party from Burlingame and South San Francisco intervening at this time. Both parties indicate an intent to participate actively in this proceeding. Although there may be some overlap of interests between these parties and other parties, their interests may not at all times coincide with those of other parties. Further, the Commission's prior consideration of EMF issues does not preclude testimony in this proceeding regarding EMF impacts. For these reasons, I grant Burlingame's and South San Francisco's requests to intervene.

### **Scheduling Issues**

The scoping memo in this proceeding anticipated that the Final EIR would be released in October 2003, and set the schedule for testimony submission and evidentiary hearings on that basis. Since the Final EIR has not been released at this time, it is appropriate to suspend the schedule for submission of testimony. I will confer with parties and set a new schedule following release of the Final EIR.

Parties have received advance electronic notice of this ruling due to the shortness of time.

### **IT IS RULED that:**

1. The Motion of the City of Burlingame to Intervene is granted.

2. The following person is granted Interested Party status on behalf of Burlingame and is added to the Appearances portion of the service list:

Jeanne B. Armstrong  
Goodin, MacBride, Squeri, Ritchie & Day, LLP  
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Appearing for City of Burlingame

3. The Petition to Intervene by the City of South San Francisco is granted.

4. The following person is granted Interested Party status on behalf of South San Francisco and is added to the Appearances portion of the service list:

Patrick Whitnell  
Meyers, Nave, Riback, Silver & Wilson  
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Appearing for City of South San Francisco

5. The schedule for submission of testimony in this proceeding is suspended until further notice.

Dated November 10, 2003, at San Francisco, California.

/s/ CHARLOTTE TERKEURST  
Charlotte TerKeurst  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Requests to Intervene and Suspending Schedule for Submission of Testimony on all parties of record in this proceeding or their attorneys of record.

Dated November 10, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.